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Attorney Docket No. T0560-A-CON

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	PHILLIP BRANDT BIRD et al.)	
)	
TITLE:	FLEXIBLE FLASHLIGHT EXTENSION)	
)	
SERIAL NO.:	09/941,930)	RESPONSE TO NOTICE TO
)	FILE MISSING PARTS OF
FILED:	August 28, 2001)	NONPROVISIONAL
)	APPLICATION
EXAMINER:	_____)	
)	
ART UNIT:	2875)	
)	

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed October 1, 2001, applicant responds as follows:

- X Small Entity Status is hereby claimed.
- X Pursuant to 37 C.F.R. 1.136(a), it is respectfully requested that the shortened statutory period which was set for responding to the communication dated

Certificate of Deposit Under 37 C.F.R. § 1.54

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on the 28 day of February, 2002.

[Signature]
Attorney Registration No. 10,446
Attorney for Applicant

October 1, 2001, be extended for three months until
March 1, 2002.

Please find enclosed herewith the following items for filing
in the United States Patent and Trademark Office in connection with
the above-identified patent application:

- i. Declaration and Power of Attorney executed by the
inventor Phillip Brandt Bird;
- ii. Decision According Status under 37 C.F.R. 1.47(a)
due to lack of executed Declaration and Power of
Attorney by inventor Albert Chen;
- iii. Copy of the Notice to File Missing Parts of
Application-Filing Date Granted;
- iv. Petition under 37 C.F.R. §1.136(a); and
- v. Check No. 4752 in the amount of \$976.00 to cover
the filing fee for the above-identified
application, the fee for a three-month extension of
time, and the surcharge fee pursuant to 37 C.F.R. §

1.16(e). These fees have been calculated as follows:

Basic filing fee for a Small Entity	= \$370.00
9 Claims in excess of 20 (x \$9)	= \$ 81.00
Fee for a three-month extension of time	= \$460.00
Surcharge fee for a Small Entity	= \$ 65.00
TOTAL = \$976.00	

Please debit any additional fees, or credit any overpayment, to Deposit Account No. 50-0836.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 50-0836.

- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 50-0836.

- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☐ The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- ☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

Please direct all future correspondence in connection with
this application to:

Customer No. 20451

Please direct all telephonic and facsimile communications to:

Grant R. Clayton

Telephone: (801) 255-5335

Facsimile: (801) 255-5338

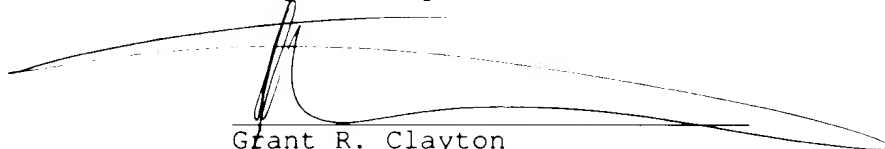
Please reference the below provided attorney docket number in
all communications:

T6588.A.CON

Please address all future correspondence in connection with
this case to the attention of the undersigned.

Dated this 28 day of February, 2002.

Respectfully submitted,



Grant R. Clayton
Attorney Registration No. 32,462
Attorney for Applicant

Clayton, Howarth & Cannon, P.C.
P.O. Box 1909
Sandy, Utah 84091
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

GRC/kd

ATTORNEY FILES: I am submitting a response to the motion for summary judgment.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20530
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/941,930	08/28/2001		T6588.A.CON

20451
GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
P O BOX 1909
SANDY, UT 84091-1909



CONFIRMATION NO. 7088

FORMALITIES LETTER



OC000000006820224

Date Mailed: 10/01/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$162.
 ■ **\$162 for 9 total claims over 20.**
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1002.**

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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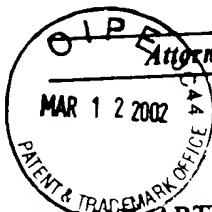
Erant R. Clayton
Jan J. Howarth, Ph.D.
Arl R. Cannon
Iredion L. Crockett
Registered Patent Attorneys

Intellectual Property Law
Patents • Trademarks
Copyrights • Computer Law
Trade Secrets • Unfair Competition
Licensing • Enforcement • Litigation

Clayton, Howarth & Cannon

CHC

Attorneys At Law • A Professional Corporation



October 30, 2000

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General E-mail: patlaw@chcpat.com

VIA CERTIFIED MAIL ARTICLE NO.: 7099 3220 0005 7171 0595
Return Receipt Requested

Mr. Albert Chen
3652 Hamilton Street
Irvine, California 92614

COPY OF PAPERS
ORIGINALLY FILED

Re: **FLEXIBLE FLASHLIGHT EXTENSION**
U.S. Patent Application No. 09/374,336
Filing Date: August 13, 1999
My File No.: T6588.A

Dear Mr. Chen:

I am writing to you on behalf of my client Dynatec International, Inc. Enclosed are documents pertaining to the above-referenced U.S. patent application. Enclosed is a copy of the application and one signature document. I ask that you sign and return the signature document so I receive it by **November 30, 2000**, so that it may be timely filed. I have included a self addressed postage prepaid envelope for your convenience.

Accordingly, enclosed herewith is the following signature document which requires your execution.

One (1) Declaration and Petition document.

The above-listed document must be executed by you as an inventor. As the document refers to the application as actually filed, it will be necessary for you to review a copy of the application prior to execution, accordingly a copy of the application is enclosed. If you prefer that the Patent Office utilize an address other than the address included in the document, please hand write the preferred address in the document dating and initialing the change. Also, please write in your citizenship in the blank provided on the front page of the document. I also need to point out that my client in this matter is Dynatec International, Inc. and that I will be taking instructions solely from Dynatec in this matter.

Please be advised that as the application has already been submitted to the PTO, corrections or amendments can be made only by formal written submission. Accordingly, the review of the application at this time is not for the purpose of editing, but rather to permit signing of the Declaration and Petition. I would suggest, however, that as the application is reviewed, any changes in the text or drawings be noted which need to be implemented. These should be communicated to

Mr. Albert Chen
October 30, 2000
Page 2

me. Subsequently, there will arise appropriate occasions upon which such changes and amendments, if any, can be submitted according to established procedures.

Please contact me if you have any questions or comments.

I encourage you to sign the enclosed document as soon as possible, so that I may be filed by the upcoming deadline. If I do not receive the executed signature document from you by November 30, 2000, I will assume that you are refusing to sign it. If so I will then take steps to pursue the patent without your signature, but I hope this will not be necessary. I look forward to receiving the enclosed document, fully executed from you.

Very truly yours,

CLAYTON, HOWARTH & CANNON, P.C.

Grant R. Clayton

GRC/BLC/smh

Enclosures

cc: Frederick W. Volcansek, Sr. (w/o encls.)
Chief Executive Officer
Dynatec International, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

Albert Chen
3652 Hamilton Street
Irvine, CA 92614

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In re Application of
Bird and Chen
Application No. 09/374,336
Filed: August 13, 1999
Attorney Docket No. T6588.A
For: Flexible Flashlight Extension

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:
: LETTER
:
:
:

FEB 23 2001

**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Chen:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Grant R. Clayton
Clayton Howarth & Cannon, PC
P.O. Box 1909
Sandy, UT 84091-1909